

Attorney Docket No.:      **WARF-0002**  
Inventors:               **A. Laughon**  
Serial No.:               **09/810,385**  
Filing Date:              **March 16, 2001**  
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**REMARKS**

Claims 1-8 are pending in this application. The pending claims have been subjected to a Restriction Requirement as follows:

Group I, claims 1-4 drawn to a method for identifying compounds that directly interact with a Smad protein, classified in class 435, subclass 7.1.

Group II, claim 5, drawn to a composition classified in class 530, subclass 350.

Group III, claims 6-8, drawn to a method for identifying a candidate gene that is directly and negatively regulated by TGF- $\beta$  signaling pathways, classified in class 435, subclass 6.

The Examiner suggests that Groups I and III as set forth above are unrelated. The Examiner suggests that the Groups differ in the method objectives, method steps and their parameters and in the reagents used. It is further suggested that Groups I and II are distinct each from the other because they are related as product and process of use. The Examiner suggests that the product of Group II could be used as an *in vivo* therapeutic agent. It is further suggested that the Groups have acquired a separate status in the art, as shown by their differing classifications. Applicant respectfully disagrees.

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For a proper restriction requirement the MPEP §803 requires showing: (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

All of claims of the instant application relate to the single concept of TGF- $\beta$  signaling pathway regulation. Accordingly, each of the claims contain the components for use in the same endpoint, namely interaction of the TGF- $\beta$  signaling pathways. Thus, Applicant respectfully disagrees that the Groups set forth by the Examiner are distinct as being novel and unobvious over each other, as required by MPEP § 802.01. Further, a single search relating to TGF- $\beta$  signaling pathways would identify art related to all of the claims of this application and would not be overly burdensome to the Examiner. Accordingly, the instant Restriction Requirement meets neither of the criteria as set forth by MPEP §803 to be proper. Reconsideration and withdrawal of this Restriction Requirement is therefore respectfully requested.

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However, in an earnest effort to be completely responsive,  
Applicant hereby elects to prosecute Group I, claims 1-4 with  
traverse.

Respectfully submitted,

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